

STATE OF SOUTH CAROLINA  
BEFORE THE PUBLIC SERVICE COMMISSION

DOCKET NO. 2011-158-E

In the Matter of:	)	
	)	
Application Regarding the	)	
Acquisition of Progress Energy,	)	PETITION TO INTERVENE
Incorporated by Duke Energy	)	
Corporation and Merger of Progress	)	
Energy Carolinas, Incorporated and	)	
Duke Energy Carolinas, LLC	)	

Environmental Defense Fund, the South Carolina Coastal Conservation League and Southern Alliance for Clean Energy (“Petitioners”), through counsel, hereby petition the South Carolina Public Service Commission (the “Commission”) to intervene in the above-captioned docket pursuant to R.103-825 of the Commission’s rules of practice and procedure. In support of this petition, Petitioners state as follows:

1. On April 25, 2011, Duke Energy Corporation (“Duke”) and Progress Energy, Inc. (“Progress”), on behalf of their electrical utility subsidiaries, Duke Energy Carolinas, LLC (“DEC”) and Progress Energy Carolinas (“PEC”), filed an application to engage in a business combination transaction pursuant to S.C. Code Ann. § 58-27-1300 and R.103-823 of the Commission’s rules of practice and procedure. As stated in the application, the proposed merger contemplates two business transactions—(i) Duke’s acquisition of Progress at the holding company level; and (ii) at some point in the future, PEC’s merger into DEC at the operating company level. For the purpose of this case, Duke and Progress will treat the two transactions as one.

2. On May 6, 2011, the Clerk's Office issued a Notice of Filing in the above-captioned docket. A public hearing has not yet been scheduled.

3. Environmental Defense Fund ("EDF") is a national nonprofit organization dedicated to protecting the environmental rights of all people, including future generations. Among these rights are access to clean air and water, healthy and nourishing food, and flourishing ecosystems. EDF's activities include advocacy for greater reliance by electric utilities on clean energy resources. The address of EDF's North Carolina office is 4000 Westchase Boulevard, Suite 510, Raleigh, NC 27607.

4. The South Carolina Coastal Conservation League ("CCL") is a nonprofit organization whose mission is to protect the natural environment of the South Carolina coastal plain and to enhance the quality of life in their communities by working with individuals, businesses and government to ensure balanced solutions. CCL supports the development of energy policy that is in the public interest of South Carolinians. The address of CCL's main office is 328 East Bay Street, Charleston, SC 29402.

5. Southern Alliance for Clean Energy ("SACE") is a nonprofit organization whose mission is to promote responsible energy choices that create global warming solutions and ensure clean, safe and healthy communities throughout the Southeast. SACE and its members are interested in promoting greater reliance on clean energy resources to meet the South's energy needs. The principal address of SACE is P.O. Box 1842, Knoxville, Tennessee 37901. SACE also has offices in Florida, Georgia, North Carolina and South Carolina.

6. The proposed merger would create the largest electric utility in the nation, and would have a major impact on the electric utility industry in the Carolinas and

beyond. In particular, the proposed merger would affect EDF, CCL and SACE, who have members who are customers of DEC and PEC. Therefore, EDF, CCL, SACE and their members have direct and substantial interests in this proceeding and seek to intervene in order to ensure that those interests are represented.

7. In light of the early stage of this proceeding, Petitioners lack sufficient information to state their position and the amount of time required for their presentation at this time.

8. Petitioners are represented by the following counsel in this proceeding:

J. Blanding Holman, IV  
Southern Environmental Law Center  
43 Broad St. – Suite 300  
Charleston, SC 29401  
Telephone: (843) 720-5270  
Fax: (843) 720-5240  
[bholman@selcsc.org](mailto:bholman@selcsc.org)

WHEREFORE, Petitioners pray that they be allowed to intervene as a party of record in this matter.

Respectfully submitted this 8<sup>th</sup> day of August, 2011.

s/ J. Blanding Holman, IV  
SC Bar No. 72260  
Southern Environmental Law Center  
43 Broad St. – Suite 300  
Charleston, SC 29401  
Telephone: (843) 720-5270  
Fax: (843) 720-5240

*Attorney for Petitioners Environmental  
Defense Fund, the South Carolina  
Coastal Conservation League and  
Southern Alliance for Clean Energy*

## CERTIFICATE OF SERVICE

I hereby certify that the parties listed below have been served via first class U.S. Mail with a copy of the Petition to Intervene of Environmental Defense Fund, the South Carolina Coastal Conservation League and Southern Alliance for Clean Energy.

Courtney Edwards  
Nanette Edwards  
Office of Regulatory Staff  
1401 Main Street, Suite 900  
Columbia, SC 29201

Robert Smith, II  
Moore & Van Allen, PLLC  
100 North Tryon St., Suite 4700  
Charlotte, NC 28202

Frank R. Ellerbe, III  
Robinson, McFadden & Moore, P.C.  
PO Box 944  
Columbia, SC 29202-0944

Scott Elliott  
Elliott & Elliott, P.A.  
1508 Lady Street  
Columbia, SC 29201

Garrett Stone  
Michael Lavanga  
Brickfield, Burchette, Ritts & Stone, PC  
1025 Thomas Jefferson Street, NW  
Washington, DC. 20007

Douglas Jennings, Jr.  
Douglas Jennings Law Firm, LLC  
PO Box 995  
Bennettsville, SC 29512

James Horwood  
Pablo Nuesch  
Peter Hopkins  
Spiegel & McDiarmid  
1333 New Hampshire Ave., NW  
Washington, DC 20036

Christopher Koon  
Michael Couick  
The Electric Cooperatives of SC, Inc.  
808 Knox Abbott Drive  
Cayce, SC 29033-3311

Len S. Anthony  
Progress Energy Carolinas, Inc.  
PO Box 1551-MC 17A4  
Raleigh, NC 27602

John Tiencken  
Paul Conway  
Tiencken Law Firm, LLC  
234 Seven Farms Drive, Suite 114  
Charleston, SC 29492

Kodwo Ghartey-Tagoe  
Duke Energy Carolinas, LLC  
PO Box 1006/EC03T  
Charlotte, NC 28201-1006

D. Peters Wilborn, Jr.  
Derfner, Altman & Wilborn  
PO Box 600  
Charleston, SC 29402

This 8<sup>th</sup> day of August, 2011.

s/ Robin Dunn  
Robin Dunn